



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,614	04/06/2000	Christophe Le Roy	ATOCH-174	9121

23599 7590 08/07/2002

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
2200 CLARENDON BLVD.  
SUITE 1400  
ARLINGTON, VA 22201

EXAMINER

RHEE, JANE J

ART UNIT PAPER NUMBER

1772

DATE MAILED: 08/07/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n N .

09/544,614

Applicant(s)

LE ROY ET AL.

Examiner

Jane J Rhee

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-25 rejected under 35 U.S.C. 102(b) as being unpatentable by Nagano et al. (0035392).

Nagano et al. discloses 5 to 30 parts of polymer A (page 4 line 5) with a density of 0.88 to 0.98g/cm<sup>3</sup> (page 4 lines 11-12) being grafted with an unsaturated carboxylic acid (page 5 lines 3-6). Nagano et al. discloses 95-70 parts of a polyethylene (B) (page 4 line 13) with a density of 0.86 to 0.98g/cm<sup>3</sup> (page 4 line 18). Nagano et al. discloses that the blend of polymer (A) and the polyethylene (B) have a density of 0.88 to 0.98g/cm<sup>3</sup> (page 4 line 26), a content of grafted unsaturated carboxylic acid of between 0.01 to 10% by weight (page 4 line 22-25), and a melt flow index of between 5 to 18 (page 4 line 27). Nagano et al. discloses a layer directly attached to the binder described above, wherein the layer is a nitrogen-containing or oxygen-containing polar resin (page 12 lines 20-24). Nagano et al. discloses that the structure comprises an HDPE layer, the layer of the binder, a polyamide layer, a second layer of the binder and an HDPE layer (page 14 lines 5-14). Nagano et al. discloses a rigid hollow body made of the multilayer structure described above (page 17 line 21). Nagano et al. discloses a gasoline tank made of the multilayer structure described above (page 13). Nagano et al. discloses that (A1) and (A2) are

ethylene copolymer with a comonomer of an  $\alpha$ -olefin having from 3-30 carbon atoms (page 4 lines 5-9).

Nagano et al. discloses that layer (E) is the polyamide resin comprising at least one structural unit of PA-6; PA-6.6; PA-6,10; PA-11; PA-6/6,6; or PA-12 (page 12 lines 29-30). Nagano et al. discloses that layer (E) is the saponified ethylene-vinyl acetate copolymer having a degree of saponification of about 90-100 mol% (page 12 lines 31-32). Nagano et al. discloses that layer (E) is a polyester resin of polyethylene terephthalate and polybutylene terephthalate; and mixtures thereof (page 12 lines 35-36). Nagano et al. discloses that layer is a metal of aluminum, iron, copper, tin, nickel, or alloy thereof (page 12 line 37 page 13 lines 1-3). Nagano et al. discloses that the polymer (A2) is an ethylene copolymer with a comonomer of propylene or 1-octene 9 (page 4 line 8). Nagano et al. discloses that the ester of an unsaturated carboxylic acid is an alkyl (meth)acrylate wherein the alkyl group has 1-24 carbons atoms (page 5 lines 10-16).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

Application/Control Number: 09/544,614

Page 4



Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-301-9999 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee  
July 31, 2002

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  


8/5/02